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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,959	03/12/2002	Sohel Taufique	716P008924US	4867

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David Aker
23 Southern Road
Hartsdale, NY 10530

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3694

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/070,959

Applicant(s)

TAUFIQUE, SOHEL

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/24/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This final Office action is responsive to Applicant's amendment filed January 8, 2007.

Claims 1 and 11 have been amended.

Claims 1-20 are presented for examination.

Response to Arguments

2. Applicant's arguments filed January 8, 2007 have been fully considered but they are not persuasive.

Applicant argues that Rossides does not disclose the "means for compensating the end user who first submitted the end user request when another, subsequent end user makes a request and receives the solution provided by the expert." The Examiner respectfully disagrees. Col. 108, line 46 through col. 109, line 48 state the following: "If the answer is not in the system, the initial price may be what Rex commits to paying...Rex's rebate may be greater even than the initial price he paid. In other words, if the answer sells enough, Rex may get a profit from buying the answer. The minimum price he pays may be a negative price...Early buyers can be looked at as investors. They are the 'early adopters' who pay the initial higher price, and in some sense deserve to share in the rewards of the lower price. They may share to the extent that they even profit. This is a fundamental way of paying for innovation...AC can enable Rex to make a price offer where he offers to pay a higher initial amount in return for a share of future royalties once a cap has been reached...Likewise, Sue can make a price

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offer where she offers to pay a share of future royalties in return for a given Rex or set of Rex's paying a higher initial price."

In conclusion, Applicant's amendment fails to overcome the existing art rejection; therefore, the art rejection is maintained.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 8, 9, 11-14, 16, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Rossides (U.S. Patent No. 6,131,085).

Rossides discloses a system for providing expert solutions to an end user seeking a solution to an end user request, comprising:

[Claim 1] receiving means for receiving an end user request generated by an end user, the receiving means having associated therewith a database for storing therein information relating to a plurality of experts (col. 5, lines 26-39 -- Questions, i.e., end user requests, are received and stored by the system; col. 10, lines 21-23 -- Answers supplied by "suppliers," i.e., effectively experts, are stored and the suppliers are paid royalties each time an answer is used in accordance with the royalty rules of the

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system. In order to know which answers correspond to which suppliers for purposes of paying out royalties, the database for storing the answers also stores information relating to a plurality of experts; col. 117, lines 41-47 -- Credentials of the various prospectors (or suppliers of answers) may be considered when selecting who earns the right to supply an answer);

means for searching the database to select at least one expert and to generate a search result which corresponds to the end user request (col. 91, line 1 through col. 92, line 56 -- An answer is searched for in the system; col. 117, lines 41-47 -- Credentials of the various prospectors (or suppliers of answers) may be considered when selecting who earns the right to supply an answer. By narrowing down available answers to a given question to a single selected answer, a particular expert and search result are ultimately selected based on a database search. It should be noted that the end user request does not necessarily require that a search be limited to a specific expert name);

means for transmitting at least a portion of the end user request to the expert (col. 5, lines 26-32; col. 92, lines 24-26 -- Answers are outputted to the end users);

means for receiving an expert answer corresponding to the end user request transmitted (col. 5, lines 26-32; col. 16, lines 34-39; col. 92, lines 24-26 -- Answers are outputted to the end users);

means for transmitting at least a portion of the expert answer to the end user (col. 5, lines 26-32; col. 16, lines 34-39; col. 92, lines 24-26 -- Answers are outputted to the end users);

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means for storing the request and the solution in the database (col. 5, lines 26-39 -- Questions, i.e., end user requests, are received and stored by the system; col. 10, lines 21-23 -- Answers supplied by "suppliers," i.e., effectively experts, are stored); and means for compensating the end user who first submitted the end user request when another, subsequent end user makes a request and receives the solution provided by the expert (col. 108, line 46 through col. 109, line 48 -- "If the answer is not in the system, the initial price may be what Rex commits to paying...Rex's rebate may be greater even than the initial price he paid. In other words, if the answer sells enough, Rex may get a profit from buying the answer. The minimum price he pays may be a negative price...Early buyers can be looked at as investors. They are the 'early adopters' who pay the initial higher price, and in some sense deserve to share in the rewards of the lower price. They may share to the extent that they even profit. This is a fundamental way of paying for innovation...AC can enable Rex to make a price offer where he offers to pay a higher initial amount in return for a share of future royalties once a cap has been reached...Likewise, Sue can make a price offer where she offers to pay a share of future royalties in return for a given Rex or set of Rex's paying a higher initial price.");

[Claim 2] means for an expert to submit a request previously received by that expert and a solution previously provided by said expert (col. 85, line 6 through col. 87, line 62 -- An answer supplier can attempt to submit a similar answer more than once.

Duplicate answers are identified as false requests; however, improvements over

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previous answers can be submitted and earn royalties, e.g., in addition to the original answers); and

means for entering the previously received request and the previously provided solution into the database (col. 85, line 6 through col. 87, line 62 -- An answer supplier can attempt to submit a similar answer more than once. Duplicate answers are identified as false requests; however, improvements over previous answers can be submitted and earn royalties, e.g., in addition to the original answers);

[Claim 3] means for compensating the expert who submitted the previously received request and the previously provided solution when a subsequent end user requests that solution (col. 85, line 6 through col. 87, line 62 -- An answer supplier can attempt to submit a similar answer more than once. Duplicate answers are identified as false requests; however, improvements over previous answers can be submitted and earn royalties, e.g., in addition to the original answers);

[Claim 4] means for compensating the expert for providing the solution (col. 5, line 49 through col. 6, line 44; col. 10, lines 21-23; col. 85, line 57 through col. 87, line 17 -- Answers supplied by "suppliers," i.e., effectively experts, are stored and the suppliers are paid royalties each time an answer is used in accordance with the royalty rules of the system);

[Claim 6] wherein the expert is compensated each time a subsequent user of the system accesses the solution (col. 5, line 49 through col. 6, line 44; col. 10, lines 21-23 - Answers supplied by "suppliers," i.e., effectively experts, are stored and the suppliers

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are paid royalties each time an answer is used in accordance with the royalty rules of the system);

[Claim 8] means for sending and receiving e-mail (col. 13, lines 5-7; col. 16, lines 34-39; col. 112, lines 41-44);

[Claim 9] wherein the means for sending and receiving e-mail is used to communicate with end users, experts, or both (col. 13, lines 5-7; col. 16, lines 34-39; col. 112, lines 41-44).

[Claims 11-14, 16, 18, 19] Claims 11-14, 16, 18, and 19 recite limitations already addressed by the rejection of claims 1-4, 6, 8, 9 above; therefore, the same rejection applies.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 7, 10, 15, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossides (U.S. Patent No. 6,131,085), as applied to claims 1, 4, 10, and 14 above.

[Claim 5] Rossides does not expressly teach that the expert is compensated on a one time basis, yet Rossides provides scenarios in which the pay out per answer is a

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relatively small amount (see, for example, the scenario described in col. 6, lines 15-31 in which 10 cents per answer is paid out in royalties). Furthermore, Official Notice is taken that it was old and well-known in the art at the time of Applicant's invention to provide a total of royalties (e.g., collected over a given period of time or toward a single contribution) on a one time basis. This arrangement often simplifies the payment process, thereby making it more efficient, especially in situations where an individual payment might be worth less than or close to the payment processing fee charged by a financial institution (e.g., in the scenario where Rossides pays out 10 cents per answer). Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Rossides such that the expert is compensated on a one time basis in order to simplify the payment process, thereby making it more efficient, especially in situations where an individual payment might be worth less than or close to the payment processing fee charged by a financial institution (such as in the scenario where Rossides pays out 10 cents per answer).

[Claim 7] While Rossides teaches that the invention performs communications via a network (including through the use of e-mail communications, as seen in col. 12, line 66 through col. 13, line 7; col. 16, lines 34-39; col. 112, lines 41-44), Rossides does not expressly teach that the system is implemented on the Internet, wherein the database is made available to users by a web server. However, Official Notice is taken that it was old and well-known in the art at the time of Applicant's invention to connect an online network of computers through a central computer system via the Internet, using a database made available to users by a web server. The Internet has been an extremely

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pervasive network that facilitates more efficient and economical global communications, thereby expanding the body of users that can communicate and transact with one another. Since Rossides states that "AC is an online network of computers with terminals that feed into a central computing unit that stores and processes questions, answers, and other information of the kind...The network includes E-mailboxes for users" (col. 12, line 66 through col. 13, line 7) and the Internet has been such a pervasive communications medium for years now, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Rossides' network of computers and central computing unit to be implemented on the Internet, wherein the database is made available to users by a web server, in order to facilitate more efficient and economical global communications, thereby expanding the body of users that can communicate and transact with one another.

[Claim 10] While Rossides stores its questions and answers in a database (abstract), Rossides does not expressly teach that the database is a relational database. However, Official Notice is taken that the use of relational databases is extremely old and well-known in the database art. Relational databases facilitate more compact storage of information through data linking techniques, thereby yield more economical storage solutions. Since Rossides envisions the storage of many questions and answers in a database, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Rossides' databases to be relational databases in order to facilitate more compact storage of

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information through data linking techniques, thereby yield more economical storage solutions.

[Claims 15, 17, 20] Claims 15, 17, and 20 recite limitations already addressed by the rejection of claims 5, 7, and 10 above; therefore, the same rejection applies.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Susanna M. Diaz
Primary Examiner
Art Unit 3694

February 20, 2007